

5/053/025

RECEIVED

APR 27 1992

DIVISION OF
OIL GAS & MINING

Dixie Resource Area Office
225 North Bluff Street
St. George, Utah 84770
Comm (801)673-4654 FTS 327-0200

3809
UTU-68890
(UT-047) - 92-03A

April 2, 1992

DOGMI
MINERALS PROGRAM
FILE COPY

ella J
3-2-92

Gayford DeArmond
P.O. Box 790233
Virgin, Utah 84779

Dear Mr. DeArmond:

We are returning your Notice of Intent filed on March 17, 1992 because the area you are proposing to work is not open to mineral location. The Rainbow claims you staked were not recorded with the Bureau of Land Management within 90 days of location, and are therefore invalid by operation of law. The Dixie Resource Area established a Community Pit on January 12, 1992 establishing a superior right to the United States for the removal of material from this site.

This is to advise you that we are of the opinion that the subject material (flagstone) does not possess a unique property giving the deposit special and distinct value and, therefore, is a "common variety" mineral material not subject to location under the mining laws. You are further advised that if a final determination by the Department of the Interior is made that this material is, in fact, "common variety", you could be responsible to the United States for the value of the material removed under the mining law, damage to the land, and administrative costs of recovering such compensation.

The gate you have constructed must be removed by April 15, 1992.

If you have any questions, please contact Larry Gore of this office.

Sincerely,

Dale Ross
Acting Area Manager

attachment